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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,182	08/02/2001	Gregory Maurice Plow	STL920000035US1	7553

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EXAMINER	
MAMMEN, NATHAN SCOTT	

ART UNIT	PAPER NUMBER
3671	

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/922,182	Applicant(s) PLOW ET AL.	
	Examiner Nathan S Mammen	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 August 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Landsman et al., U.S. Patent 6,317,761.

The Landsman '761 patent discloses a method for storing and viewing Internet advertisements. The method comprises receiving plural Internet advertisements (col. 9, lines 56-58), with at least one Internet advertisement including a tag (col. 9, line 64), and saving (col. 10, lines 12-24) the advertisements at the user computer at least partially based on the tag. The user accesses the advertisements in a browser window that, in the absence of any limitations to the contrary, is considered as an advertising history window. During the interstitial intervals in which a user is waiting for a selected page to download, the system displays only advertisements in the window (col. 10, lines 33-55).

Regarding claims 2-6: The tag is a HTML tag (col. 9, line 64). The Landsman '761 patent discloses that the advertisements are viewed using browser software such as INTERNET EXPLORER or NETSCAPE (col. 16, lines 34-39); thus, the method inherently comprises displaying the button in response to toggled buttons, allowing the user to scroll through the advertisements, and displaying a "previous" and "next" button and accessing the advertisements

in response to the toggling of these buttons since these are notoriously inherent functions of the aforementioned browser software. The saved advertisement also has a link to a website, and the website is accessed when the link on the advertisement is toggled (col. 17, lines 27-36).

Regarding claims 7- 19: The Landsman '761 patent discloses a system for accomplishing the above method. The system includes a server (13, 15, 20), a database (15) connected to the server and storing advertisements, and a user computer (5) connected to the server via the Internet. The server transmits the Internet advertisements to the user computer (5). The user computer includes a program ("AdController" – col. 16, lines 56-60) for saving the Internet advertisements at least partially based on the tag. The program ("AdController") includes logic means for receiving and saving the Internet advertisements. As stated above, program utilizes browser software (7) such as INTERNET EXPLORER or NETSCAPE (col. 16, lines 36-39); thus, the program inherently comprises logic means for displaying the button in response to toggled buttons, allowing the user to scroll through the advertisements, and displaying a "previous" and "next" button and accessing the advertisements in response to the toggling of these buttons since these are notoriously inherent functions of the aforementioned browser software.

Regarding claims 20-22: The method of viewing inherently comprises functions of the browser software (7).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs et al., WO 01/043014 in view of Landsman et al., U.S. Patent 6,317,761.

The Jacobs '014 patent publication discloses a system and method for receiving, storing and viewing advertisements (page 8, lines 19-28) and displaying the advertisements in an advertisement link history window. What the Jacobs '014 patent publication does not explicitly describe is the display features of the history window. The Landsman '761 patent, as stated in paragraph 2 above, teaches displaying advertisements using browser software. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the system of the Jacobs '014 patent publication with browser software as taught by the Landsman '761 patent, in order to provide a user-friendly and commonly available system for viewing saved advertisements.

Response to Arguments

5. Applicant's arguments filed 8/19/03 have been fully considered but they are not persuasive.

Contrary to Applicant's assertion, the Landsman system displays advertisements "through the browser in response to a user click-stream associated with normal user navigation across different web pages." Col. 9, lines 61-64. Additionally, the system "monitors a click-stream generated by a user who then operates a browser. In response to a user-initiated action" the system displays the advertisements. Col. 10, lines 38-44. Thus, the system is dependent upon user input. Landsman does not teach away, rather Landsman teaches that using the browser

software to show the advertisements is advantageous because a user would not be required to learn any new procedure or do anything other than normal web browsing. Col. 10, lines 55-60.

Landsman does necessarily include the inherent characteristic. Applicant's claimed limitations do not require anything more than a browser window, such as what Landsman discloses. The display features of these browser windows are notorious.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Mammen whose telephone number is (703) 306-5959. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at (703) 308-3870. The fax number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Thomas B. Will
Supervisory Patent Examiner
Group 3600

NSM
10/31/03

Nathan S. Mammen